

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
KERRIE NEWELL,

Plaintiff,

-against-

22 **CIVIL** 8524 (PMH)

JUDGMENT

STATE UNIVERSITY OF NEW YORK
WESTCHESTER COMMUNITY COLLEGE,

Defendant.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 20, 2023, Defendant's motion to dismiss is GRANTED and Plaintiff's Complaint is dismissed with prejudice. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint...leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgt. Corp.*, 541 F. Appx 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). Here, the Court has dismissed Plaintiff's Complaint with prejudice as any amendment would be futile. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Opinion and Order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

Dated: New York, New York

June 20, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk